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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER BIAGINI, CHRISTOPHER D				
ART UNIT 2442		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

Office Action Summary

Application No.

10/612,706

Applicant(s)

MONONEN ET AL.

Examiner

Christopher Biagini

Art Unit

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-47 and 53-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-47 and 53-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is in response to the amendment filed October 2, 2009. Claims 27, 33, 34, 40, and 41-47 have been amended. Claims 48-52 have been cancelled. Claims 53-58 are new. Claims 27-47 and 53-58 are pending.

Response to Arguments

The amendments to claims 42-47 are sufficient to overcome the objections, and the objections are withdrawn.

Applicant's arguments with respect to the objection to the specification and corresponding rejections under 35 USC 112, first paragraph have been fully considered and are persuasive. Accordingly, the particular objections and rejections have been withdrawn. However, the amendments to the claims raise new issues, which are addressed below.

Applicant's arguments with respect to the rejections of claims 42-47 under 35 USC 112, second paragraph have been fully considered and are persuasive. Accordingly, the particular rejections have been withdrawn. However, the amendments to the claims raise new issues, which are addressed below.

Applicant's arguments with respect to the rejections of claims 27-47 under 35 USC 103(a) have been fully considered and are persuasive. Accordingly, the rejections are withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification lacks antecedent basis for the following:

- “wherein the mobile server is a mobile terminal, and the external device is another mobile terminal, and the mobile terminals exchange call data and content data simultaneously and in real time, while each of the mobile terminals is making a call to each other and accessing the media content data via internet” as recited in claims 27, 34, and 41;
- a “security access control station” which is “the external device” that is a mobile terminal, selected in response to a CGI request, and engaged in a call with another mobile terminal while exchanging data with that terminal and accessing media content “via internet” as recited in claims 53, 55, and 57;
- a “refrigerator” which is “the external device” that is a mobile terminal, selected in response to a CGI request, and engaged in a call with another mobile terminal while exchanging data with that terminal and accessing media content “via internet” as recited in claims 54, 56, and 58;

See the corresponding rejections under 35 USC 112, first paragraph below for additional detail.

Claim Objections

Claim 27 is objected to because of the following informalities: there is no antecedent basis for "the mobile server module" (since the word "module" earlier in the claim was deleted by amendment). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 27-47 and 53-58 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 27, 34, and 41 have been amended to recite "wherein the mobile server is a mobile terminal, and the external device is another mobile terminal, and the mobile terminals exchange call data and content data simultaneously and in real time, while each of the mobile terminals is making a call to each other and accessing the media content data via

internet.” In other words, the claims now require that a first mobile terminal receives a request via a CGI, chooses a second proximate mobile terminal (since “the [proximate] external device is another mobile terminal”) to handle that request, and that the second mobile terminal responds via the CGI in the first mobile terminal. While this is occurring, the two mobile phones are engaged in a call, exchanging data, and accessing media content “via internet.”

The specification, on the other hand, describes that one mobile terminal can make CGI requests to another (which, in turn, selects a proximate external device), and that the mobile terminals can also be in a call and exchanging data. See [0076] in the published application. In other words, the second terminal engaged in the call is not a proximate external device selected in response to a request received at the CGI of the first mobile terminal.

New claims 53-58 suffer from similar deficiencies. Specifically, the newly recited “security access control station” and “refrigerator” are not described in the specification as being selected in response to a request at a CGI. Rather, they are simply accessed (via Bluetooth, for example) by the mobile terminal outside of the context of a CGI request. Furthermore, the specification does not describe simultaneously making a call and exchanging data with the security station or the refrigerator.

Finally, regarding claims 54, 56, and 58, there is nothing in the specification which indicates that the item list is downloaded automatically from the refrigerator *independently of human interaction*.

Any claim not specifically addressed above is rejected at least for incorporating the deficiencies of a parent claim upon which it depends.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27-47 and 53-58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 27, 34, and 41 have been amended in such a manner as to make it impossible for a person of ordinary skill to interpret the metes and bounds of the claim. First, the claims introduce "one or more proximate external devices," but now refer to "the external device" which "is another mobile terminal." It is not clear if this mobile terminal is intended to be one of the proximate external devices. Furthermore, the claims indicate that the terminals "exchange...content data" while each terminal is "accessing the media content data via internet." It is not clear if "the media content data" refers to the same data which is being exchanged by the terminals.

New claims 53, 55, and 57 recite that "the external device is a security access control station." It is not clear whether this is intended to refer to the same external device that is a mobile terminal, selected in response to a CGI request, and engaged in a call with another mobile terminal while exchanging data with that terminal and accessing media content "via internet."

Furthermore, the claim later refers to “the mobile terminal.” It is not clear to which of several mobile terminals introduced by the claims this is intended to refer.

New claims 54, 56, and 58 recite that “the external device is a refrigerator.” It is not clear whether this is intended to refer to the same external device that is a mobile terminal, selected in response to a CGI request, and engaged in a call with another mobile terminal while exchanging data with that terminal and accessing media content “via internet.” Furthermore, the claim later refers to “the mobile terminal.” It is not clear to which of several mobile terminals introduced by the claims this is intended to refer.

Any claim not specifically addressed above is rejected at least for incorporating the deficiencies of a parent claim upon which it depends.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-30, 32, 34-37, 39, 41-44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 6,980,826) in view of Wesinger (US Patent No. 5,778,367), and further in view of Bork (US Patent No. 6,246,376) and Moran (US Pub. No. 2002/0091794).

Regarding claim 27, Yamaguchi shows an apparatus (cellular phone 304: see Fig. 10) comprising: at least one processor and at least one memory including computer program code (the processor and memory implicitly disclosed as running web server software 306), the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following:

- connect to one or more proximate external devices (for example, GPS 10: see Fig. 10);
- receive an information request at a mobile server module configured to receive network connection requests (comprising a request from Web browser 314: see col. 12, line 57 to col. 13, line 5), wherein the request is targeted to an interface of the mobile server module (comprising a URL, which targets the HTTP interface of web server module 306: see col. 7, lines 53-57);
- select a device from the one or more proximate external devices (for example, selecting the GPS when location data is requested: see col. 12, lines 5-29 and 59-67), wherein the selected device is capable of dynamically generating data to fulfill the information request (see col. 12, lines 30-33); and
- cause the selected device to send a response to the information request via the interface independently of human interaction with the apparatus (see col. 12, lines 30-33),
- wherein the mobile server is a mobile terminal (cellular phone 304: see Fig. 10), and the external device is another mobile terminal (see col. 7, lines 38-45 and col.

13, lines 3-5), and the mobile terminals exchange content data in real time (for example, image data: see col. 9, lines 14-35), while each of the mobile terminals is accessing the media content data via internet (network 212).

Yamaguchi does not explicitly show:

- the apparatus connects wirelessly to the proximate external devices;
- wherein the request is targeted to a common gateway interface of the mobile server module;
- that the response is sent via the common gateway interface;
- that the mobile terminals exchange call data and content data simultaneously while each of the mobile terminals is making a call to each other.

Bork shows wirelessly connecting to proximate external devices (comprising connecting using the Bluetooth wireless connection protocol: see col. 1, line 31 to col. 2, line 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Yamaguchi with the wireless connection taught by Bork in order to allow the user to move about freely with the cellular phone while still maintaining a connection to GPS 303.

Wesinger shows requests targeted to a common gateway interface with responses sent via the common gateway interface (see CGI 111 in Fig. 1A; col. 4, lines 12-35; and col. 6, lines 58-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Yamaguchi with the CGI taught by Wesinger in order to supply data using a standards-based server extension.

Moran shows mobile terminals exchanging call data and content data simultaneously and in real time (see [0065]), while each of the mobile terminals is making a call to each other and

accessing media content data (for example, web pages: see [0072]). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Yamaguchi with the simultaneous call/data exchange and accessing of media data taught by Moran in order to provide users with a greater variety of media.

Regarding claim 28, the combination further shows one or more internal devices capable of dynamically generating the data to fulfill the information request (comprising camera 309: see Fig. 10 of Yamaguchi), wherein the selected device is selected from the one or more proximate external devices and the one or more internal devices (see Yamaguchi, col. 13, lines 3-5 and col. 9, lines 14-35).

Regarding claim 29, the combination further shows wherein the response comprises status data of the apparatus (comprising the location of the device: see Yamaguchi, col. 12, lines 57-63).

Regarding claim 30, the combination further shows wherein the status data comprises telemetry data (comprising location data as described above).

Regarding claim 32, the combination further shows wherein causing the selected device to send a response to the information request comprises performing a protocol translation between the selected device and the common gateway interface (see Yamaguchi, col. 12, lines 20-33 and Wesinger, col. 4, lines 12-24).

Claims 34-37, 39, 41-44, and 46 correspond to claims 27-30 and 32 and are rejected for the same reasons as given above.

Claims 31, 38, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 6,980,826) in view of Wesinger (US Patent No. 5,778,367), and further in view of Bork (US Patent No. 6,246,376), Moran (US Pub. No. 2002/0091794), and "Lesson 5: SOAP, UDDI and WSDL" (hereinafter "the Component X Studio Tutorial").

Regarding claim 31, the combination shows the limitations of claim 27 as applied above, and further shows responding via the common gateway interface based on an interpretation of the request parameter (see Yamaguchi, col. 12, lines 20-33 and Wesinger, col. 4, lines 12-34), but does not show wherein the processor further causes the apparatus to: facilitate discovery of services offered by the mobile server via a registry of services; determine a request parameter contained in the information request that facilitates correct response interpretation.

The Component X Studio Tutorial shows facilitating discovery of services offered by a server via a registry of services (comprising making the services known via a UDDI registry: see section 5.3 on p. 3) and determining a request parameter contained in the information request that facilitates correct response interpretation (comprising examining a SOAP envelope in a SOAP request which is made according to a WSDL file: see discussion of SOAP at top of p. 2 and discussion of WSDL at pages 3-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Yamaguchi with the discovery facilitation and determining of request parameters taught by the Component X Studio Tutorial in order to provide for a standardized, developer-friendly way to communicate with the server.

Claims 38 and 45 correspond to claim 31 and are rejected for the same reasons as given above.

Claims 33, 40, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 6,980,826) in view of Wesinger (US Patent No. 5,778,367), and further in view of Bork (US Patent No. 6,246,376), Moran (US Pub. No. 2002/0091794), and Awada (US Patent No. 6,873,861).

Regarding claim 33, the combination shows the limitations of claim 27 as applied above, and further shows receiving a second information request at the mobile server module that is not targeted to the common gateway interface (comprising a direct request for an ordinary web page, as provided for in Yamaguchi and as described as distinct from a CGI request in Wesinger: see column 4, lines 29-33), but does not show providing user generated data stored on the apparatus in response to the second information request.

Awada shows providing user generated data stored on an apparatus in response to an information request that is not targeted to a common gateway interface: see col. 5, lines 43-47 and 60-65). It would have been obvious to one of ordinary skill in the art at the time of the

invention to further modify the system of Yamaguchi to provide user generated data stored on the apparatus as taught by Awada in order to provide a convenient way for users to receive contact information.

Claims 40 and 47 correspond to claim 33 and are rejected for the same reasons as given above.

Claims 53, 55, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 6,980,826) in view of Wesinger (US Patent No. 5,778,367), and further in view of Bork (US Patent No. 6,246,376), Moran (US Pub. No. 2002/0091794), and Khan (US Pub. No. 2003/0115474).

Regarding claim 53, the combination further shows wherein the mobile server is a mobile terminal (cellular phone 304) and a user image is captured by and stored at the mobile terminal (see Yamaguchi, col. 9, lines 14-35), but does not explicitly show wherein the external device is a security access control station controlling access to an area, and when in the proximity of the security access control station, the mobile terminal automatically transmits the user image to the security access control station to authenticate the user image thereat independently of human interaction.

Khan shows a security access control station controlling access to an area, and when in the proximity of the security access station, transmitting a user image to the security access control station to authenticate the user image thereat (see [0008] and [00029]). It would have

been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Yamaguchi with the security access system taught by Khan in order to protect an area from unauthorized individuals. Furthermore, it would have obvious to do so automatically and independent of human interaction because it is obvious to automate a known manual activity. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Claims 55 and 57 correspond to claim 53 and are rejected for the same reasons as given above.

Claims 54, 56, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 6,980,826) in view of Wesinger (US Patent No. 5,778,367), and further in view of Bork (US Patent No. 6,246,376), Moran (US Pub. No. 2002/0091794), and Herwig (US Pub. No. 2002/0082925).

Regarding claim 54, the combination does not explicitly show wherein the external device is a refrigerator that maintains a list of edible items, and the mobile terminal automatically downloads the edible item list to format a shopping list independently of human interaction.

Herwig shows a refrigerator that maintains a list of edible items, and downloading the list to format a shopping list (see [0044]). It would have been obvious to one of ordinary skill in the art at the time of the invention to download a shopping list from a refrigerator as taught by Herwig in order to ensure that the user knows which groceries to purchase when visiting a store. Furthermore, it would have obvious to do so automatically and independent of human interaction

because it is obvious to automate a known manual activity. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Claims 56 and 58 correspond to claim 54 and are rejected for the same reasons as given above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Biagini whose telephone number is (571) 272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Biagini
(571) 272-9743

/Shawki S Ismail/
Primary Examiner, Art Unit 2455